

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**SARAH BARRETT, *on behalf of herself and all
others similarly situated,***

Plaintiffs,

vs.

**9:20-CV-537
(MAD/DJS)**

**ROBERT MACIOL, *Oneida County Sheriff,* and
LISA ZUREK, *Chief Deputy Oneida County Jail,***

Defendants.

APPEARANCES:

OF COUNSEL:

**LEGAL SERVICES OF CENTRAL
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**DAVID H. WALSH, IV, ESQ.
DANIEL CARTWRIGHT, ESQ.**

Mae A. D'Agostino, U.S. District Judge:

ORDER

The Court, having the parties' Joint Motion for Preliminary Approval of Class Action Settlement and the proposed Settlement Agreement, Dkt. No. 100, (the "Settlement Agreement"), rules as follows:

1. Defined terms in this Order shall have the same meaning given such terms in the Settlement Agreement.

2. The Court finds that the form, substance, and requirements of the Notice to the Class of the Settlement Agreement, attached as Exhibit A to the Declaration of Joshua Cotter, Dkt. No. 100-1, and the distribution of the Notice, in the manner and form set forth below, is the best notice practicable under the circumstances; constitutes notice that is reasonably calculated, under the circumstances, to apprise the members of the class of the proposed settlement agreement and their rights to object to any aspect of the proposed settlement agreement; constitutes due, adequate, and sufficient notice to all persons entitled to receive notice of the proposed settlement agreement; and complies with the requirements of Rule 23 of the Federal Rules of Civil Procedure.

3. Within ten days of the date this Order is entered, the Defendants shall distribute the Notice by the following means:

- a. Posting copies of the Notice in prominent and visible locations accessible to all Plaintiffs housed at the Oneida County Correctional Facility, ensuring that the Notice remains posted during the entire comment period;
- b. Delivering a copy of the notice to every Plaintiff housed at the Oneida County Correctional Facility during the notice period;

4. Defendants shall maintain two copies of the proposed settlement agreement for review by Plaintiffs in any unit where they are housed.

5. Within three days of the distribution of Notice, the Defendants shall file and serve a declaration affirming that the notice was distributed and the proposed Settlement Agreement was made available as required in ¶¶ 3-4.

6. The Court has reviewed the proposed Settlement Agreement and finds that the settlement memorialized therein falls within the range of reasonableness and potential for final approval, thereby meeting the requirements for preliminary approval, and that the Notice should go out to the Plaintiffs Class. The settlement appears to be reasonable in light of the risk inherent in continuing with litigation. The Court further notes that the settlement was arrived at after an arm's length negotiation involving experienced counsel and with the assistance of a mediator.

7. For the purposes stated and defined in the Settlement Agreement, the Court hereby sets the following dates and deadlines:

Event	Deadline
Notice Program Complete (including Initial Mailed Notice and the Notice Re-Mailing Process)	Ten Days After This Order Is Entered
Motion for Final Approval, Application for Attorneys' Fees, Expenses and Costs, and for a Service Award	Forty-Five Days Before Final Approval Hearing
Last Day to Object	Thirty Days Before Final Approval Hearing
Last Day to Respond to Objections	Fifteen Days Before Final Approval Hearing
Final Approval Hearing	Friday, October 21, 2022 at 12:00 p.m. in ALBANY (Courtroom No. 5) before Judge Mae A. D'Agostino

8. All pretrial proceedings in this action are stayed and suspended until further order of this Court, except such actions as may be necessary to implement the Settlement Agreement, this Preliminary Approval Order, and final approval of the Settlement Agreement and class certification.

Good cause appearing therefore, **IT IS SO ORDERED.**

Dated: August 2, 2022
Albany, New York


Mae A. D'Agostino
U.S. District Judge